

<h1>Application No. 5</h1> <h2>Commission District 9    Community Council 14</h2>
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### APPLICATION SUMMARY

Applicant/Representative:	Brown Development Group, LLC,/Juan J. Mayol, Jr., Esq., Hugo P. Arza, Esq., Richard A. Perez, Esq., Alejandro J. Arias, Esq. & Pedro Gassant, Esq.
Location:	Northeast corner of the intersection of SW 184 Street and SW 112 Avenue
Total Acreage:	±1.98 Acres
Current Land Use Plan Map Designations:	“Office/Residential”
Requested Land Use Plan Map and CDMP Text Changes:	1. “Business and Office” 2. Add proffered Declaration of Restrictions to the Restrictions Table in Appendix A on Page I-95 of the CDMP Land Use Element.
Amendment Type:	Small-Scale
Existing Zoning District/Site Condition:	AU (Agricultural: 1 residential home per 5 gross acres)/Private educational facility

### RECOMMENDATIONS

Staff:	<b>ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (AS A SMALL-SCALE AMENDMENT)</b> (August 25, 2015)
Redland Community Council (14):	<b>TO BE DETERMINED</b> (September 22, 2015)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (October 19, 2015)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 18, 2015)

Staff recommends to **ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2020 and 2030 Land Use Plan (LUP) map to redesignate the ±1.98-acre site from “Office/Residential” to “Business and Office” for the following reasons:

**Principal Reasons for Recommendation:**

1. The approval of the application would allow for the redevelopment of the site for commercial uses, consistent with the CDMP Land Use Element Policy LU-1G requirement for business developments to occur in cluster or nodes at major roadway intersections. The properties at the intersection of SW 112 Avenue (a half-section road) and SW 184 Street (a section-line road) are developed as a commercial/business node that is located proximate to the Turnpike interchange at SW 184 Street. With the exception of the application site that is designated “Office/Residential”, the properties within the node are designated “Business and Office” on the CDMP land Use Plan map (see map series on pages 5-4 through 5-8). Therefore, the requested redesignation of the application site to “Business and Office” is consistent with the above referenced policy.

Furthermore, CDMP Land Use Element Objective LU-1, Policy LU-1C and Policy LU-10A require the County to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where urban services and facilities have the capacities to accommodate additional demand. The application site is currently developed with a ±9,400 square foot child care facility and under the current “Office/Residential” designation could be developed with a maximum 49 multi-family units or 43,124 square feet of offices. Under the requested “Business and Office” designation the site could be developed with 49 multifamily residential units or 34,499 square feet of retail development. As discussed in Principal Reason No. 2 below, existing public facilities have adequate capacities to accommodate the impacts that would be generated by the development of the application site, if the requested “Business and Office” designation is approved.

Additionally, the applicant has proffered a Declaration of Restrictions that would prohibit residential development on the property and limit commercial development to a maximum of 30,000 square feet. (See Declaration of Restrictions on Appendices Page 18.)

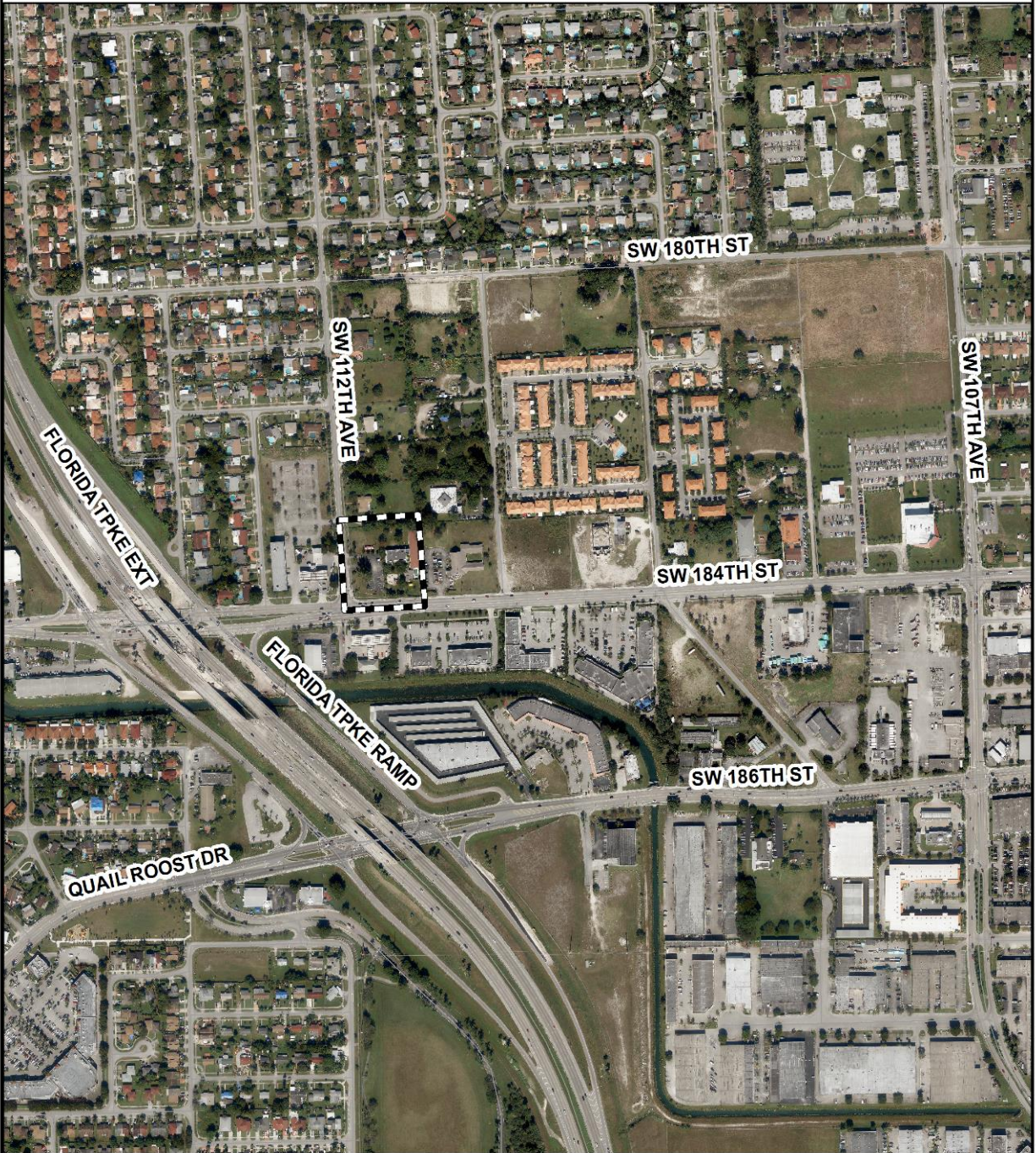
2. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires LUP map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies.
  - i. *Need to Accommodate Population or Economic Growth.* Approval of the application would not satisfy a deficiency in the CDMP Land Use Plan map to accommodate economic growth, but, but would allow the site to be developed in accordance with the trend of development in the area. The Supply and Demand Analysis on page 5-10 indicates that the commercial land supply in the Minor Statistical Area (MSA) 5.8 where

the application site is located has the capacity to accommodate economic growth to beyond the year 2030. The trend of development along SW 184 Street in the vicinity of the application site between the Turnpike to the west and SW 107 Avenue to the east is generally toward non-residential development, including industrial uses, commercial uses and institutional uses (see Existing Land Use map on page 5-6). Presently, the application site is developed with a child care facility, which is a use that is permissible under both the current "Office/Residential" designation on the site and the requested "Business and Office" designation.

- ii. *Public Facilities and Services.* The impacts that would be generated from the maximum potential redevelopment on the site (34,499 square feet of retail), if the application is approved, would not cause a violation in the level of service (LOS) standards for public services and facilities. Furthermore, the Declaration of Restrictions proffered by the applicant would limit the site to 30,000 square feet of development and prohibit residential uses on the property. Approval of the application would be consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not cause a violation in adopted level of service standards for public facilities and services.
- iii. *Compatibility:* The requested "Business and Office" land use designation and the maximum redevelopment that could occur on the site, if the application is approved, would be generally compatible with the abutting and adjacent developments. The properties abutting to the north and east of the application site are designated "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre) and developed with single family residences to the north and the South Miami Heights Church of the Nazarene religious facility to the east. Further east across SW 110 Avenue, is vacant land and the True Deliverance Church of Christ religious facility. The properties adjacent to the west across SW 112 Avenue are designated "Business and Office" and developed with Shell gas station and an office building. Properties to the south across SW 184 Street are designated "Business and Office" and are developed with including and auto parts store, a Race Trac gas station and other retail uses within the Silver Slipper Plaza shopping center. With adequate buffering between the site and the single family residences to the north the application would be generally compatible with the adjacent developments.
- iv. *Environmental and Historic Resources.* The application, if approved, would not impact any environmental or historic resources. (See Environmental Conditions section on page 5-14.)
- v. *Transit Ridership and Pedestrianism.* The application, if approved, could support transit ridership and pedestrianism. The application site is served by Metrobus Route 52, which provides local route service to the application site at 30-minute headways during the AM/PM peak periods on weekdays, 60-minute headways in the evening after 8pm, 45-minute headways on Saturdays and 60-minute headways on Sundays. The nearest bus stop is located adjacent to the application site and there are sidewalks adjacent to and in the vicinity of the application site.



# APPLICATION NO. 5 AERIAL PHOTO



**APPLICATION AREA**

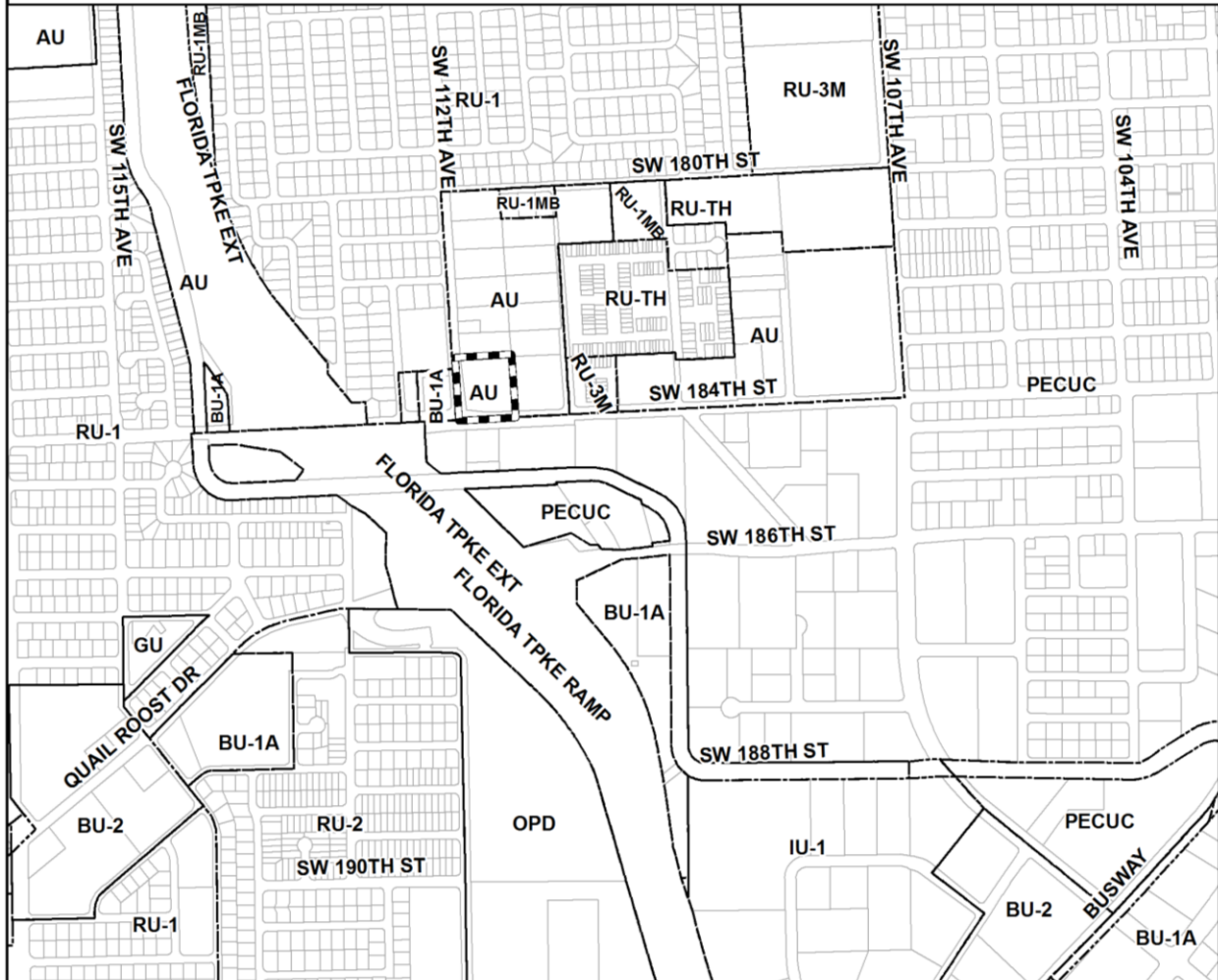
Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

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# APPLICATION 5 ZONING MAP



APPLICATION AREA

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015

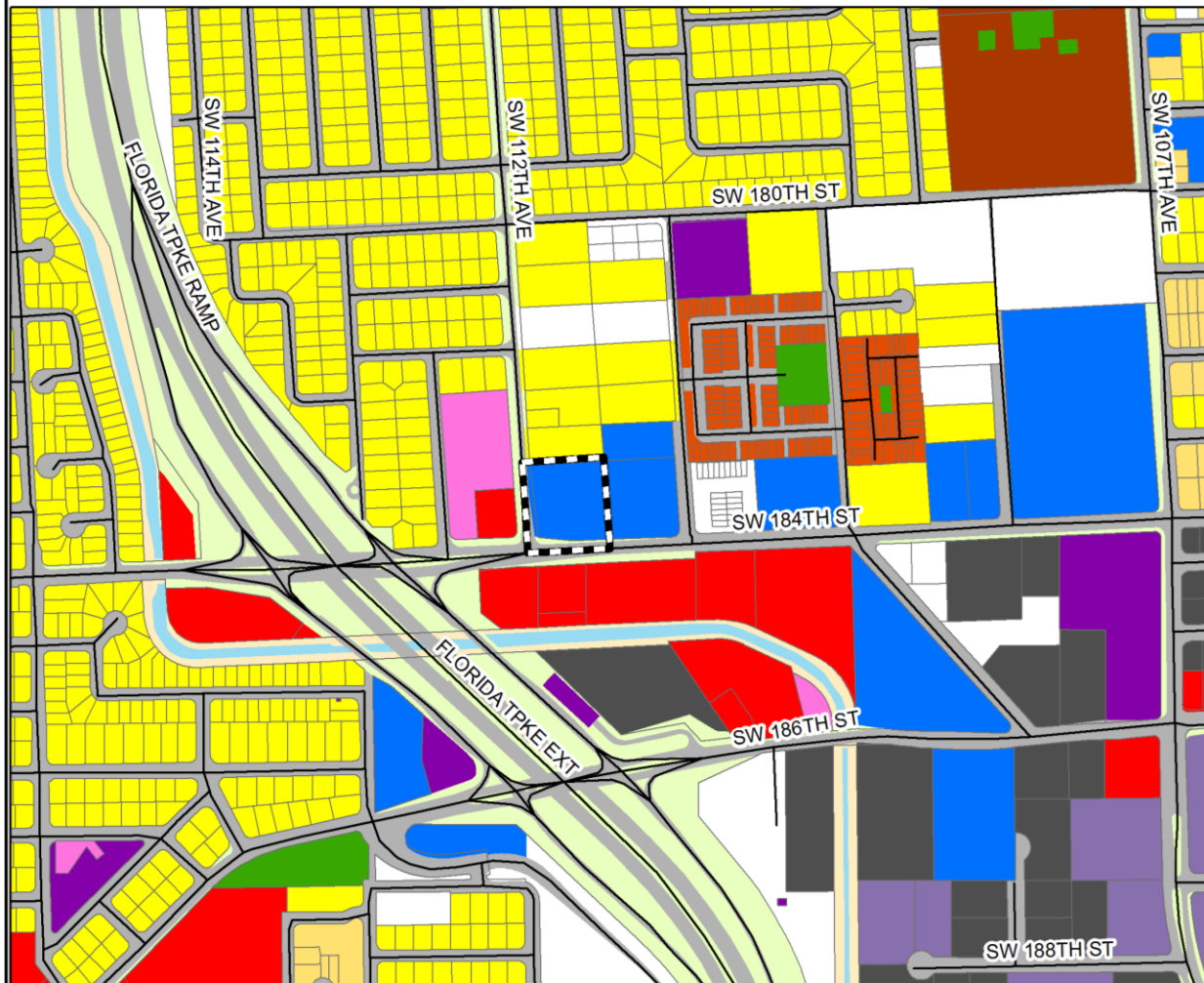
## ZONING DISTRICTS

AU	AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
BU-1A	BUSINESS DISTRICTS, LIMITED
BU-2	BUSINESS DISTRICTS, SPECIAL
GU	INTERIM DISTRICT
IU-1	INDUSTRIAL DISTRICTS, LIGHT MANUFACTURING
OPD	OFFICE PARK DISTRICT
PECUC	PERRINE COMMUNITY URBAN CENTER
RU-1	SINGLE-FAMILY RESIDENTIAL
RU-1(M)(B)	MODIFIED SINGLE-FAMILY RESIDENTIAL
RU-2	TWO-FAMILY RESIDENTIAL DISTRICT
RU-3M	MINIMUM APARTMENT HOUSE
RU-TH	TOWNHOUSE

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# APPLICATION NO. 5 EXISTING LAND USE



APPLICATION AREA

## EXISTING LAND USE

SINGLE-FAMILY

TWO-FAMILY DUPLEXES

TOWNHOUSES

LOW-DENSITY MULTI-FAMILY

COMMERCIAL, SHOPPING CENTERS

OFFICE

INSTITUTIONAL

INDUSTRIAL

INDUSTRIAL INTENSIVE, COMMERCIAL TYPE OF USE

COMMUNICATIONS, UTILITIES, TERMINALS

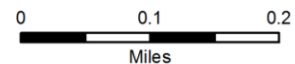
STREETS, ROADS, EXPRESSWAYS, RAMPS

STREETS, EXPRESSWAY

PARKS, PRESERVES, CONSERVATION AREAS

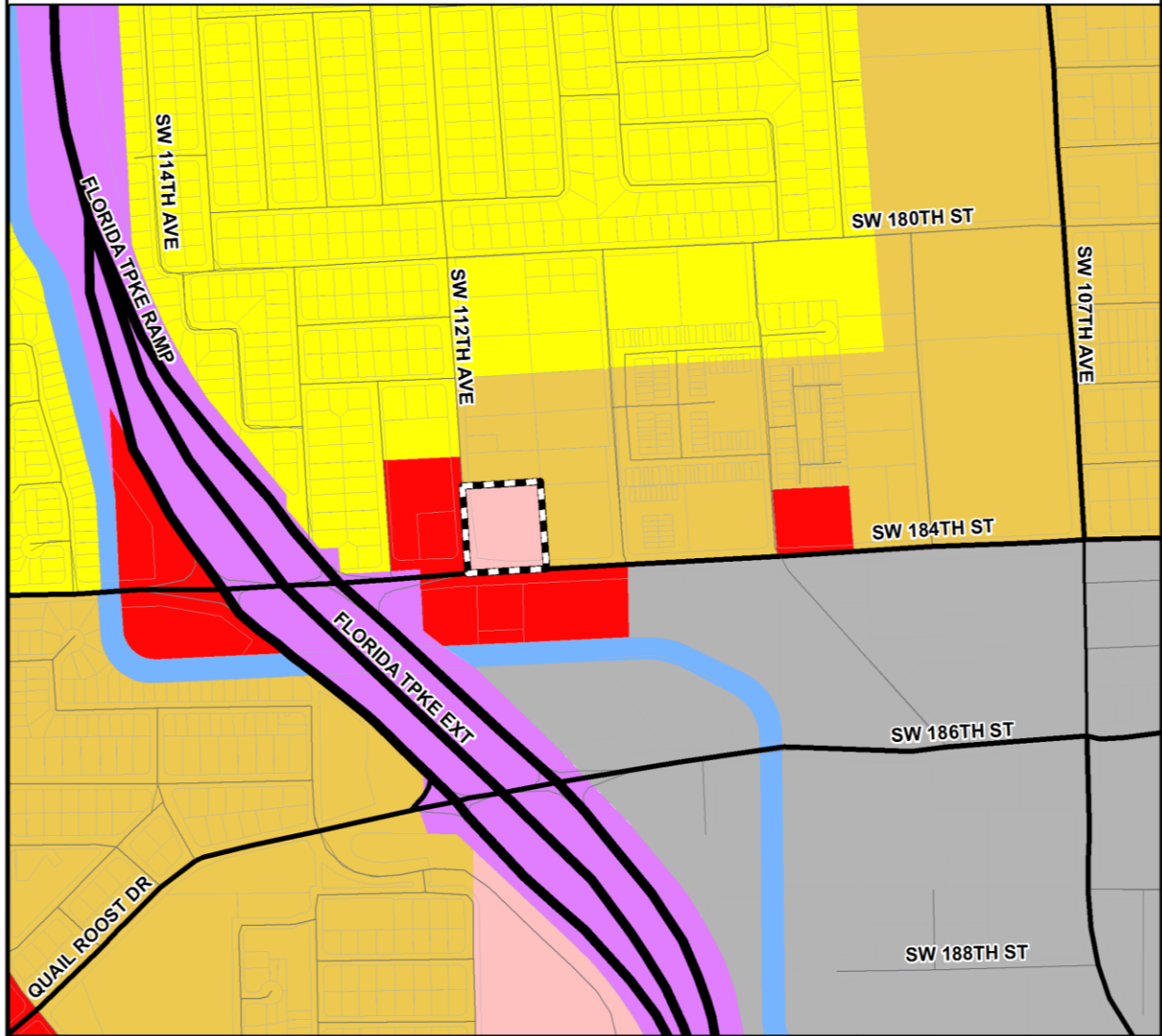
VACANT PRIVATELY OWNED, UNPROTECTED

Source: Miami-Dade County  
Department of Regulatory and Economic Resources  
June 2015



# APPLICATION NO. 5

## CDMP LAND USE



APPLICATION AREA

### CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

- MINOR ROADWAYS (2 LANES)
- MAJOR ROADWAYS (3 OR MORE LANES)
- EXPRESSWAYS

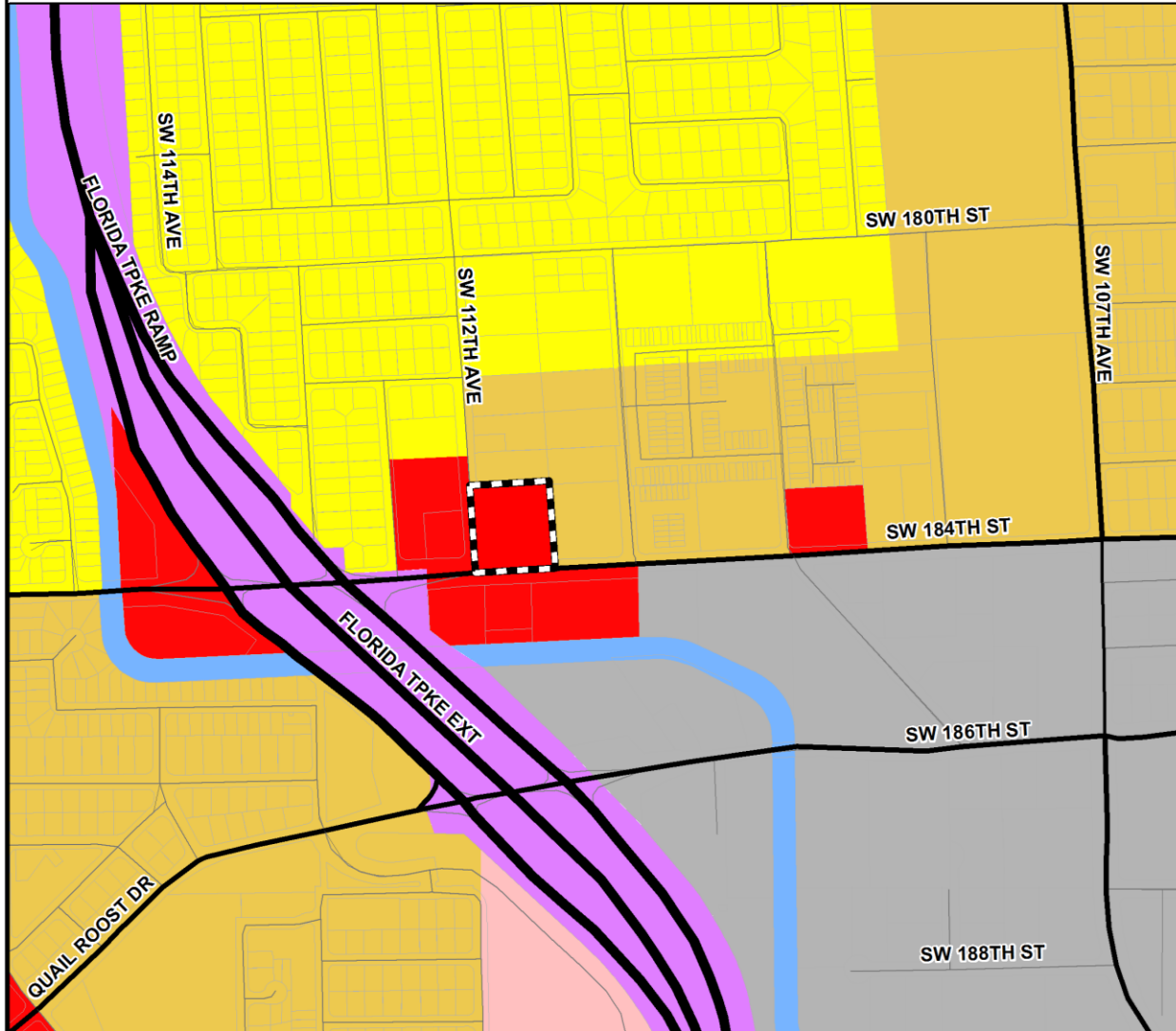
Source: Department of Regulatory and Economic Resources  
June 2015

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Miles





# APPLICATION NO. 5 PROPOSED CDMP LAND USE



APPLICATION AREA

Source: Department of Regulatory and Economic Resources  
June 2015

## CDMP LAND USE

- LOW DENSITY (2.5-6 DU/AC)
- LOW-MEDIUM DENSITY (6-13 DU/AC)
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

- MINOR ROADWAYS (2 LANES)
- MAJOR ROADWAYS (3 OR MORE LANES)
- EXPRESSWAYS

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Miles



# STAFF ANALYSIS

## Application Site

### Location

The ±1.98 gross-acre site is located at the northeast corner of the intersection of SW 184 Street (Eureka Drive) and SW 112 Avenue in unincorporated Miami-Dade County (see map series on pages 5-4 through 5-8).

### Existing Land Use

The application site is currently developed with a private school with an approved maximum capacity of 100 students that include day-care center and Children's Hour child care center. (See "Existing Land Use" map on page 5-6.)

### Land Use Plan Map Designation

The application site is currently designated "Office/Residential" on the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map, (see "CDMP Land Use" map on page 5-7). The uses allowed in the "Office/Residential" CDMP land use category include both professional and clerical office offices, hotels, motels, and residential uses. Office developments may range from small-scale professional to large-scale office parks.

The applicant requests a redesignation of the application site to "Business and Office" (see "Proposed Land Use Map" on page 5-8). The "Business and Office" land use category allows the full range of sales and service activities that includes retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment and cultural facilities, and residences.

Under the current CDMP land use designation of "Office/Residential," the application site could be developed with a maximum of 49 multi-family units or 43,124 square feet of office. Under the applicant's requested CDMP land use designation of "Business and Office", the application site could be developed with a maximum of 49 multi-family units or 34,499 square feet of retail.

### Proffered CDMP Declaration of Restrictions

The applicant proffered a Declaration of Restrictions (covenant) in support of the application that would prohibit residential development on the application site and restricts the non-residential development to a maximum of 30,000 square feet of uses permissible under the requested "Business and Office designation (see Appendix A: Amendment Application).

### Zoning

The application site is zoned AU (Agriculture). The Agriculture District allows one (1) single family home per 5 gross acres (see "Zoning Map" on page 5-5). In April of 1962, an Unusual Use permit was approved by Resolution 2-ZAB-228-62 by the Metropolitan Dade County Zoning Appeals Board to allow the use of the day care center on the property with a maximum of 50 children. Subsequently, in February 1964 by Resolution 2-ZAB-80-64, the approved maximum capacity of the day care facility was increased by the Miami-Dade County Zoning Appeals Board from its previous 50 to a maximum of 100 children.

### Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. Zoning records indicate that the application area was zoned AU (Agricultural) and no district boundary change has occurred on the property to date.

## **Adjacent Land Use and Zoning**

### Existing Land Uses

North of the application site are single family homes in good condition. Northeast of the site is the Hope Deliverance Tabernacle, a religious facility fronting SW 110 Avenue. Abutting the application site to the east is the South Miami Heights Church of the Nazarene. Further east across SW 110 Avenue and fronting SW 184 Street, are vacant lots of the Eureka Gardens residential subdivision and the True Deliverance Church of Christ. South of the application site across SW 184 Street is the Silver Slipper Plaza shopping center. The retail stores within the shopping center include the RaceTrac gas service station, Meat Place Plus, Subway, Beauty Supply Davita, Dialysis and Financial Check Cashing Store and others. Adjacent to the west of the application site across SW 112 Avenue is a Shell gas station and an office building with its adjoining parking lots under renovation.

### Land Use Plan Map Designations

Properties abutting the north and east of the application site beyond SW 110 Avenue, are designated “Low-Medium Density Residential” on the CDMP Adopted 2020 and 2030 LUP map. Properties adjacent to the west, across SW 112 Avenue, and to the south of the application site, across SW 184 Street, are designated “Business and Office” (see “CDMP Land Use” map on page 5-7).

### Zoning

Properties to the north and immediate east of the application site are zoned AU, which allows 1 single family home on 5 gross acres. Properties located further east beyond SW 110 Avenue are zoned RU-3M four-unit apartments and RU-TH (Townhouses) on the east side of SW 110 Avenue. The commercial properties south of the application site across and along SW 184 Street are zoned PECUC. The PECUC is the Perrine Community Urban Center District overlay which was adopted into zoning district in 2006 by Ordinance No. 06-127 and amended twice by Ordinance Nos. 07-97 and 11-30. Under this district, the retail properties and uses referenced under the existing land uses above are specifically located within the Mixed-use Corridor (MC), which permits residential, businesses (such as existing), professional offices, civic, education and government offices. Properties adjacent to the west of the application site, across SW 112 Avenue, are zoned BU-1A (Limited Business), BU-2 (Special Business) and RU-1 (Single Family Residential). (see “Zoning Map” on page 5-5).

## **Supply and Demand Analysis**

The capacity of the CDMP Adopted 2020 and 2030 LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this small-scale amendment, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

### Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.8) in 2015 was estimated to have a capacity for about 1,057 dwelling units, with about 56 percent of these units intended as single family type units. The annual average residential demand in this Analysis Area is projected to increase from 83 units per year in the 2015-2020 period to 106 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units occurring in 2034 and for multi-family by 2023 (See Table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2027.



Residential Land Supply/Demand Analysis  
2015 to 2030: (MSA 5.8)

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI-FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2015	596	461	1,057
DEMAND 2015-2020	29	54	83
CAPACITY IN 2020	451	191	642
DEMAND 2020-2025	32	59	91
CAPACITY IN 2025	291	0	187
DEMAND 2025-2030	37	69	106
CAPACITY IN 2030	106	0	0
<b>DEPLETION YEAR</b>	<b>2034</b>	<b>2023</b>	<b>2027</b>

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on population projections.

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research and Economic Analysis Section, July 2015

The table above addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. Application 5 is requesting a change from Office/Residential to Business and Office. Given the existing capacity in the Analysis Area, this application, if approved with the acceptance of the covenant that prohibits residential development on the property, could diminish the capacity of multi-family units by a maximum of 49 units. This would have an impact on the depletion of less than a year.

### Commercial

The Analysis Area for Application 5 (MSA 5.8) contained 95.10 acres of in-use commercial uses in 2015 and an additional 20.4 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2015-2030 period is 1.32 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned land beyond the year 2030+ (See Table below). Of the 20.4 acres of vacant commercial land, approximately 8.1 acres are designated for retail uses. Also, in addition to the 20.4 acres of commercial vacant land, an additional 7.3 acres of vacant land zoned for mixed-use is also available. If these additional acres were to be used for commercial uses, it would add additional 11/2 years to the projected depletion date.

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
Application 5 Analysis Area

Analysis Area	Vacant Commercial Land 2015 (Acres)	Commercial Acres in Use 2015	Annual Absorption Rate 2015-2030 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2020	2030
<b>MSA 5.8</b>	<b>20.4</b>	<b>95.10</b>	<b>1.32</b>	<b>2030+</b>	<b>3.0</b>	<b>2.8</b>

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Planning Research and Economic Analysis Section, July 2015.

Analysis of the Trade Area

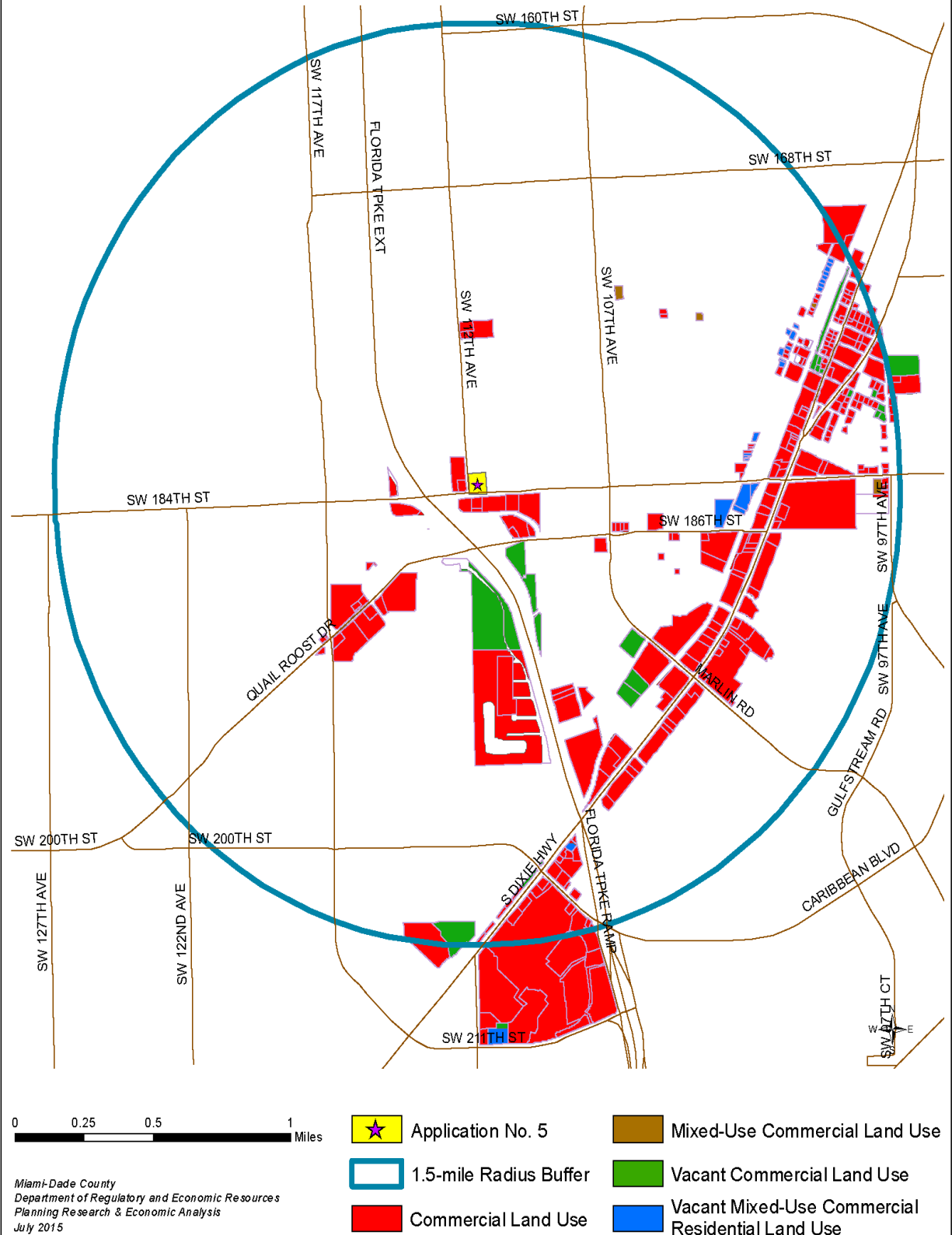
For small scale applications, such as application 5, the Department uses what is known as a Trade Area Analysis as it will provide more area specific results and more meaningful information for applications of this size. In the case of Application 5, the applicant is proposing to develop a retail type development of approximately 30,000 square feet. This corresponds to what is commonly known as a Neighborhood type shopping center. Consequently, a 1.5 mile radius (standard for such centers) was used as a market area to perform our analysis. The result of such an analysis shows that there are 439.19 acres in existing commercial uses and 54.55 acres of vacant commercially zoned or designated land. Of the 54.55 acres, 33.50 are designated for retail/business uses and 21.05 for office. In addition, there are additional 13.05 acres of vacant land zoned for mixed use that could be also used for commercial uses (See Table below). Most of the vacant parcels are located south from the subject property. (See Trade Area Map below.)

Trade Area Analysis			
Application	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2015
5	1.5	54.55*	493.19

\*This does not include 13.05 acres zoned for mixed-use, that could be used for commercial uses.

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research and Economic Analysis Section, July 2015.

# TRADE AREA MAP: APPLICATION NO. 5





## Environmental Conditions

The following information pertains to the environmental conditions of the application site. All YES entries are further described below.

### Flood Protection

Federal Flood Zone	X
Stormwater Management Permit	DERM Surface Water Management General Permit
County Flood Criteria, National Geodetic Vertical Datum (NGVD)	9 feet

### Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	No
Endangered Species Habitat	Undetermined
Natural Forest Community	No

### Other Considerations

Within Wellfield Protection Area	No
Hazardous Waste	No
Contaminated Site	No

### Pollution Remediation

There are no DERM records of current or historical contamination issues on the property or on sites directly abutting the application site.

### Drainage, Flood Protection and Stormwater Management

The proposed development is determined to be in Zone X or above the flood plain as determined by FEMA. Any development will have to comply with the requirements of Chapter 11C of the Code for flood protection. The site shall be filled to a minimum elevation of 9.0 feet NGVD (County Flood Criteria).

For compliance with stormwater quality requirements, all stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event. For compliance with stormwater quantity requirements designed to prevent flooding of adjacent properties, the site grading and development shall provide for the full on-site retention of the 100-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code and all State and Federal Criteria. The proposed development order, if approved, will not result in the reduction of the Level of Service standards for flood protection set forth in the CDMP.

### Endangered Species

The subject property and adjacent properties are not located within a federally designated critical habitat area. DERM is not aware of any documented threatened and endangered species on this or adjacent properties. CON-9A states "All activities that adversely affect habitat that is critical to federal or state designated, endangered or threatened species shall be prohibited unless such activity(ies) are a public necessity and there are no possible alternative sites where the activity(ies) can occur."

## Water and Sewer

### Water Supply

The source of water for this area is the Alexander Orr Water Treatment Plant which is owned and operated by MDWASD. At the present time, there is adequate treatment and water supply capacity for this application. The plant is presently producing water that meets Federal, State, and County drinking water standards.

### Water Treatment Plant Capacity

The County's adopted LOS standard for potable water treatment facilities requires that the regional water treatment system, consisting of Hialeah, Preston and Alexander Orr District Treatment Plants, shall operate with a rated maximum daily capacity no less than two percent above the maximum daily flow for the preceding year and an average two percent above the average daily flow for the preceding five years. The water must also meet all applicable federal, state, and county primary drinking water standards.

The regional water treatment system has a rated design capacity of 439.74 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional water treatment system is equivalent to 430.95 MGD. The total available water treatment plant capacity, 63.54 MGD, is calculated using the available plant capacity (430.95 MGD), subtracting the maximum day flow (343.2 MGD) and subtracting the water that is reserved through development orders (24.21 MGD).

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand for Business (Scenario 1) or Residential (Scenario 2) development under the current CDMP Land Use designations, is estimated at 2,156 gallons per day (gpd) and 7,350 gpd, respectively. The applicant proffered a Declaration of Restrictions limiting the development to a maximum of 30,000 square feet of business development and prohibiting residential development. The maximum water demand for Business (Scenario 1) development under the Requested CDMP Land Use designation, with acceptance of the proffered covenant, is estimated at 3,000 gpd. This represents a decrease of up to 4,350 gpd from the demand under the current CDMP land use designations. A Water Supply Certification Letter will be required at the time of development, at which time the proposed project will be evaluated for water supply availability and a water supply reservation will be made.

Estimated Water Demand/Sewer Flow  
For Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential				
1	Business	43,124 sq. ft. office	5 gpd/100 sq. ft.	2,156 gpd
2	Residential	49 units	150 gpd	7,350 gpd
Requested CDMP Designation				
1	Business	30,000 sq. ft. retail	10 gpd/100 sq. ft.	3,000 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; July 2015

#### Water System Connectivity:

There is an existing 12-inch water main in SW 112 Avenue and 16-inch and 8-inch water mains in SW 184 Street, abutting the property to the west and to the south respectively, to which the developer may connect to provide water service to the property. Any public water main extension within the property shall be twelve (12)-inch minimum diameter. If two or more fire hydrants are to be connected to a public water main extension within the property, then the water system shall be looped with two points of connection. At this time, there is a planned project on the west side of SW 112 Avenue across the street from the subject property with a MDWASD Agreement No. 21738.

#### Sewer Treatment Plant Capacity

The County's adopted LOS standard for wastewater treatment and disposal requires that the regional wastewater treatment and disposal system, consisting of North, Central, and South District Wastewater Treatment Plants, operate with a capacity that is two percent above the average daily flow for the preceding five years and a physical capacity of no less than the annual average daily sewer flow. The wastewater effluent must also meet all applicable federal, state, and county standards and all treatment plants must maintain the capacity to treat peak flows without overflow.

The regional wastewater treatment system can treat up to 375.5 million gallons per day (MGD). Based on the LOS standard, the capacity of the regional wastewater treatment system is equivalent to 368.14 MGD. The available capacity is calculated by subtracting the annual average flow (307.73 MGD) for the preceding 5 years and the capacity reserved for development orders (31.07 MGD) from the system capacity (368.14 MGD). Therefore, the available wastewater treatment plant capacity is 29.34 MGD.

#### Sewer System Connectivity:

Application No. 5 is located within the MDWASD franchised service area. The wastewater flows for this application will be transmitted to the South District Wastewater Treatment Plant (SDWWTP) for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A(2) of the CDMP. At the time of development, a capacity modeling evaluation may be required.

The proposed land use would be required to connect to public sanitary sewer system pursuant to Chapter 24 of the Code. There is an existing 8-inch sanitary gravity sewer system on SW 112 Avenue and SW 184 Street to which the developer may connect to provide sewer service. There is also a 12-inch force main that abuts the subject property along SW 112<sup>th</sup> Ave and a 16-inch force main along SW 184<sup>th</sup> Street. The gravity main discharges the sewage flow to pump station 30-0715 and then to the South District Wastewater Treatment Plant. The force mains direct the sewage flow to the South District Treatment Plant. The aforementioned sanitary sewer pump station as well as the South District Wastewater Treatment Plant are owned and operated by Miami Dade Water and Sewer Department; in addition, they are currently working within the mandated criteria set forth in the Consent Decree Case: NO. 1:12-cv-24400-FAM, effective December 6, 2013.

#### **Solid Waste**

The Miami-Dade County Public Works and Waste Management Department (PWWM) Solid Waste Functions oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling,



household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

The application site is located inside the PWWM Waste Collection Service Area (WCSA), which consists of all residents of the Unincorporated Municipal Service Area (UMSA) and eight municipalities.

#### Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The PWWM assesses the solid waste capacity on system-wide basis since it is not practical or necessary to make determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2014-2015, the PWWM is in compliance with the adopted LOS standard.

#### Application Impacts

The applicant requests the re-designation of the application site from "Office/Residential" to "Business and Office" on the Adopted 2020 and 2030 LUP map. The "Business and Office" designation will likely result in the development of a commercial establishment. Per Chapter 15 of the County Code, the PWWM does not actively compete for non-residential waste collection such as multi-family, commercial, business, office, and industrial services at this time; therefore waste collection services may be provided by a private waste hauler. The PWWM has determined that the requested amendment will have no impact or any associated costs to the County; therefore, the PWWM has no objection to the proposed amendment.

#### **Parks**

The Miami-Dade County Department of Parks, Recreation and Open Space (DPROS) has three Park Benefit Districts (PBD). The application site is located inside Park Benefit District 2 (PBD-2), which generally encompasses the area of the County between SW 8 Street and SW 184 Street.

#### Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-2 has a surplus capacity of 491.32 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists all the parks within a 3-mile radius of the application site; 12 parks (Caribbean, Colonial Drive, Debbie Curtin, Deerwood Bonita Lakes, Fairwood, Goulds, Roberta Hunter, Serena Lakes, Sgt. Joseph Delancy, Sharman, South Miami Heights and West Perrine) are larger than the required five acre park.

County Local Parks  
Within a 3-Mile Radius of Application Site

Park Name	Acreage	Classification
Ben Shavis Park	0.86	Mini Park
Caribbean Park	5.17	Neighborhood Park
Charles Burr Park	3.80	Neighborhood Park
Colonial Drive Park	14.34	Community Park
Cutler Ridge Skate Park	3.60	Single Purpose Park
Debbie Curtin Park	9.78	Neighborhood Park
Deerwood Bonita Lakes Park	11.03	Community Park
Domino Park	0.15	Single purpose Park
Eureka Park	4.42	Community Park
Fairwood Park	7.93	Neighborhood Park
Goulds Park	31.10	Community Park
Lincoln City Park #1	0.50	Mini Park
Lincoln Estates Park	0.82	Mini Park
Losner Park	0.55	Mini Park
MedSouth Park	4.48	Neighborhood Park
Quail Roost Park	2.47	Neighborhood Park
Richmond Triangle Park	0.60	Mini Park
Roberta Hunter Park	16.05	Neighborhood Park
Rockdale Park	2.80	Neighborhood Park
Serena Lakes Park	5.14	Neighborhood Park
Sgt. Joseph Delancy Park	10.46	Community Park
Sharman Park	6.71	Neighborhood Park
South Miami Heights Park	5.97	Neighborhood Park
Walter A. White Park	1.64	Neighborhood Park
West Perrine Park	9.14	Community Park
West Perrine Senior Center	2.59	Single Purpose Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, January 2015.

#### Application Impacts

The potential residential development of the site under the existing CDMP land use designation has a potential population of 91 persons, resulting in an impact of 0.25 acres based on the adopted minimum LOS standard for local recreational open space. The potential for residential development under the proposed land use designation is estimated at 49 multi-family dwelling units with an estimated population of 91 persons, resulting in an impact of an additional 0.25 acres of local park land. This would lower the surplus capacity of park land from 491.32 acres to 491.07 acres, but still above the adopted minimum LOS standard. If developed as a non-residential use, as stated in the applicant's proffered covenant, there would be no increase in population and therefore no impact to the local recreational open space.

## **Fire and Rescue Service**

The application site is currently served by Miami-Dade County Fire Rescue Station No. 52 (South Miami Heights), located at 12105 SW 200 Street (Quail Roost Drive). This station is equipped with a Rescue, Tanker and Battalion, and is staffed with eight (8) firefighter/paramedics 24 hours a day, seven days a week.

The Miami-Dade County Fire Rescue Department (MDFR) has indicated that the average travel time to incidents in the vicinity of the application site is approximately six (6) minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time (6:39 minutes) to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

### Level of Service Standard For Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. A minimum fire flow of 3,000 gallons per minute (gpm) is required for the Business and Office CDMP designation. Presently, there are no fire flow deficiencies in the vicinity of the application site.

The current CDMP land use designation of "Office/Residential" will allow a potential development on the application site that is anticipated to generate approximately 13 annual alarms. The proposed CDMP land use designation of "Business and Office" is anticipated to generate the same approximately 13 annual alarms, and would result in a minimal impact to existing fire rescue services. Presently, fire and rescue service in the vicinity of the application site is adequate. Furthermore, in an effort to enhance fire-rescue service, MDFR is searching for a suitable parcel of land in the vicinity of SW 184 Street (Eureka Drive) and SW 157 Avenue to construct a new fire station.

## **Public Schools**

The applicant proffered a Declaration of Restrictions that prohibits residential development on the application site, should the application be approved with acceptance of the proffered Declaration of Restrictions. Therefore, Miami-Dade County Public Schools would not be impacted by the application as proposed (see Appendix C: Applicant's Proffered Declaration of Restrictions.)

## **Aviation**

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33, as it pertains to airport zoning.

## **Roadways**

The application site is a ±1.98 acre-property located on the northwest corner of the intersection of SW 184 Street and SW 112 Avenue. SW 184 Street is a divided four-lane roadway; SW 112 Avenue is a two-lane undivided roadway, which provides the only direct access to the application site. SW 184 Street connects with US 1 to the east; and with the HEFT, SW 117 Avenue, SW 137 Avenue and Krome Avenue to the west. Both the HEFT and US-1 are major north-south regional corridors which provide access to other areas in the County.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters “A” through “F”, with A generally representing the most favorable driving conditions and F representing the least favorable.

### Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2014) and the County (Year 2014), are operating at acceptable levels of service. However, the roadway segments of SW 184 Street between US 1 and the HEFT, the HEFT from SW 152 Street to SW 186 Street, and SW 117 Avenue between SW 184 Street and Quail Roost Drive are operating at LOS D, their adopted LOS standard.

### Trip Generation

Three development scenarios under both the current “Office/Residential” land use designation and the requested “Business and Office” land use designation were analyzed for traffic impacts. Currently, the application site is improved with a private educational facility (Daycare center) with capacity for 100 children—capacity was limited through zoning approval. However, the application site can be redeveloped with 43,124 sq. ft. of office uses (Scenario 2), or with 49 multi-family residences (Scenario 3). The daycare is estimated to generate approximately 76 PM peak hour vehicle trips, the office use is estimated to generate approximately 127 PM peak hour vehicle trips, and the 49 apartments are estimated to generate approximately 44 PM peak hour vehicle trips. It should be pointed out that the applicant submitted a Declaration of Restrictions limiting development on the application site to 30,000 sq. ft. of office space. Therefore, under the requested “Business and Office” land use designation, three potential development scenarios were analyzed. Scenario 1 assumes the application site developed with the maximum potential development of 34,399 sq. ft. of office space, which is estimated to generate approximately 203 PM peak hour vehicle trips; Scenario 2 (30,000 sq. ft. office space) is estimated to generate approximately 176 PM peak hour vehicle trips; and Scenario 3 (49 apartments) is estimated to generate approximately 44 PM peak hour vehicle trips. See “Estimated PM Peak Hour Trip Generation” table below.

Estimated PM Peak Hour Trip Generation  
By Current and Requested CDMP Land Use Designations

Application No. 5	Current CDMP Designation <sup>1</sup> and Assumed Use/ Estimated No. Of Trips	Requested CDMP Designation <sup>2</sup> and Assumed Use/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Scenario 1	“Office/Residential” Daycare (100 children) <sup>1</sup> / 76	“Business and Office” 34,499 sq. ft. retail <sup>2</sup> / 203	+ 127
Scenario 2	“Office/Residential” 43,124 sq. ft. office <sup>1</sup> / 127	“Business and Office” 30,000 sq. ft. <sup>2</sup> / 176	+ 49
Scenario 3	“Office/Residential” 49 MF 44	“Business and Office” 49 MF <sup>2</sup> / 44	0

Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012; Miami-Dade County Department of Regulatory and Economic Resources, July 2015.

Notes: <sup>1</sup> Currently, the application site is developed with a daycare center, which is limited by zoning to 100 children (Scenario 1), but the application site can be redeveloped with either 43,124 sq. ft. of office uses (Scenario 2) or with 49 multi-family residential dwelling units (Scenario 3).

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<sup>2</sup> Under the requested CDMP land use designation the application site is assumed to be developed with 34,499 sq. feet of retail uses (Scenario 1), with the 30,000 sq. ft. of office uses as limited by the applicant's Declaration of Restrictions (Scenario 2), or with 49 multi-family residential dwelling units (Scenario 3).

### Traffic Concurrency Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of July 2015, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2016 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the application under the requested CDMP LUP map designation, determined that all roadways—adjacent to and in the vicinity of the application site—that were analyzed have available capacity to handle the additional traffic impacts that would be generated by the application, if approved, and are projected to operate at acceptable levels of service. However, the roadway segments of SW 184 Street between US 1 and the HEFT, the HEFT from SW 152 Street to SW 186 Street, and SW 117 Avenue between SW 184 Street and Quail Roost Drive are currently operating at their adopted LOS D standard and projected to continue to operate at LOS D with the application's impact. See "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

### Application Impact

Under the current "Office/Residential" land use designation, three potential development scenarios were analyzed for traffic impacts. A private educational facility (daycare) exists on the application site and was limited through zoning approval to 100 children (Scenario 1); however the site could be redeveloped with 43,124 sq. ft. of office uses (Scenario 2) or with 49 multi-family residences (Scenario 3). The daycare is estimated to generate approximately 76 PM peak hour trips; the general office use is estimated to generate approximately 127 PM peak hour trips; and the residential use is expected to generate approximately 49 PM peak hour trips. Under the requested "Business and Office" land use designation, three potential development scenarios were analyzed for traffic impacts: Scenario 1 assumes the application site developed with the maximum potential development of 34,499 sq. ft. of retail uses; Scenario 2 assumes the application site developed with 30,000 sq. ft. of retail uses as limited by the applicant's Declaration of Restrictions (covenant); and Scenario 3 assumes the application site developed with 49 multi-family residential dwelling units (apartments). Scenario 1 is estimated to generate approximately 203 PM peak hour vehicle trips; Scenario 2 is estimated to generate approximately 176 PM peak hour vehicle trips; and Scenario 3 is estimated to generate approximately 44 PM peak hour vehicle trips. See the "Estimated PM Peak Hour Trip Generation" table above. In summary, the traffic impact analysis performed indicates that the roadways adjacent to and in the vicinity of the application site that were analyzed have enough capacity to handle the additional traffic that would be generated by this application.



Traffic Impact Analysis on Roadways Serving the Amendment Site  
Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)

Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amend-ment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
<b>Scenario 1: "Business and Office" - 34,499 sq. ft. office uses</b>													
8440	SW 112 Ave.	SW 168 St. to SW 184 St.	2 UD	D	1,440	682	C	0	682	C	31	713	C
9876	SW 184 Street	SW 137 Ave. to SW 117 Ave.	4 DV	D	3,240	1,480	C	76	1,556	C	23	1,579	C
9874	SW 184 Street	HEFT to US-1	4 DV	D	1,320	907	D	42	949	D	41	990	D
2254	SR 821/HEFT	SW 152 St. to SW 186 St.	8 LA	D	13,390	12,739	D	149	12,888	D	17	12,905	D
0501	SR 821/HEFT	SW 186 to SW 216 St.	8 LA	D	13,390	10,785	C	217	11,002	C	9	11,011	C
9754	SW 117 Avenue	SW 152 St. to SW 184 St.	4 DV	D	3,200	1,552	C	3	1,555	D	17	1,572	C
9756	SW 117 Avenue	SW 184 St. to Quail Roost Dr.	2 UD	D	1,260	995	D	32	1,027	D	25	1,052	D
9728	SW 107 Avenue	SW 152 St. to SW 184 St.	2 DV	D	2,230	618	A	36	654	A	31	685	A
9730	SW 107 Avenue	SW 184 St. to US-1	4 DV	D	2,410	624	C	0	624	C	9	633	C
<b>Scenario 2: "Business and Office" - 30,000 sq. ft.</b>													
8440	SW 112 Ave.	SW 168 St. to SW 184 St.	2 UD	D	1,440	682	C	0	682	C	27	709	C
9876	SW 184 Street	SW 147 Ave. to SW 137 Ave.	4 DV	D	3,240	1,480	C	76	1,556	C	20	1,576	C
9874	SW 184 Street	HEFT to US-1	4 DV	D	1,320	907	D	42	949	D	36	985	D
2254	HEFT	SW 152 St. to SW 186 St.	8 LA	D	13,390	12,739	D	149	12,888	D	15	12,903	D
0501	SR 821/HEFT	SW 186 to SW 216 St.	8 LA	D	13,390	10,785	C	217	11,002	C	8	11,010	C
9754	SW 117 Avenue	SW 152 St. to SW 184 St.	4 DV	D	3,200	1,552	C	3	1,555	D	15	1,570	C
9756	SW 117 Avenue	SW 184 St. to Quail Roost Dr.	2 UD	D	1,260	995	D	32	1,027	D	22	1,049	D
9728	SW 107 Avenue	SW 152 St. to SW 184 St.	2 DV	D	2,230	618	A	36	654	A	27	681	A
9730	SW 107 Avenue	SW 184 St. to US-1	4 DV	D	2,410	624	C	0	624	C	8	632	C

Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation, July 2015.

Notes: DV= Divided Roadway; UD=Undivided Roadway.

\* County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity) for roadways with no mass transit or with mass transit having >30 minutes or more headways in the area between the Urban Infill Area (UIA) and the Urban Development Boundary (UDB).

Traffic counts for all stations are for the Year 2014.

Scenario 1 under the requested CDMP land use designation assumes the application site developed with the maximum potential commercial development of 34,499 sq. feet of retail uses.

Scenario 2 under the requested CDMP land use designation assumes the application site developed with the 30,000 sq. ft. of retail uses as indicated in the applicant's Declaration of Restrictions.

## Transit

### Existing Service

The application site and surrounding areas are currently served by Metrobus Route 52 and the service frequency of this route is shown in the “Metrobus Route Service Summary” table below.

Metrobus Route Service Summary								
Routes	Service Headways (in minutes)					Proximity to Bus Stop (miles)	Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday			
52	30	45	60	45	60	0	0	L

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Notes: L means Metrobus Local route service; 0 means there is a transit stop located diagonally to the application site.

### Future Conditions

The draft 2015 *Transit Development Plan (TDP)* does not identify any improvements to the existing Metrobus service for the next ten years, but it does identify the HEFT Express South Metrobus Route as a future service in the immediate vicinity of the application site. However, due to the nature of the planned HEFT Express South, this route--although located in close proximity to the application site--will not be accessible from the subject property. It should be noted that this project is not currently funded.

Metrobus Recommended Service Improvements and Service Plan		
Route	Improvement Description	Implementation Year
HEFT Express South	Implement express bus service on express lanes with 10 minute headways during the AM/PM peak hour from the park-and-ride/transit center station at SW 344th Street and the South Miami-Dade Busway to the proposed park-and-ride/transit center station at Dolphin Station (HEFT at NW 12th Street)	2019

Source: Draft 2015 *Transit Development Plan*, Miami-Dade Transit (June 2015 Line Up), July 2015.

Note: Based on the CDMP threshold for traffic and/or transit service objectives within a ½ mile distance, the estimated operating and capital costs of implementing this new express bus route are not associated with this application.

### Major Transit Projects

The HEFT Express South Metrobus Route would provide premium express transit service along the HEFT Express Lanes from the park-and-ride/transit center station at SW 344th Street and the South Miami-Dade Busway to the proposed park-and-ride/transit center station at Dolphin Station (HEFT at NW 12th Street). This express route will exit the HEFT Express Lanes to serve FIU's Panther Station. Service headways will be 10 minutes during the AM/PM peak-hour.

### Application Impacts

A preliminary analysis was performed in the Traffic Analysis Zone (TAZ) 1214 where the application site is located. If the application is approved, no transit impact is expected to be generated by this application.

## **Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines**

The proposed application would further the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1G. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.
- LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).
- LU-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-7. Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services.
- LU-8B. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.

# APPENDICES

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# **APPENDIX A**

## **Amendment Application**

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**APPLICATION FOR AN AMENDMENT TO THE  
LAND USE ELEMENT OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

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PLANNING & ZONING  
METROPOLITAN PLANNING SECT

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\_\_\_\_\_  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. The following changes to the Land Use Element Land Use Plan Map (item A.1 (d) in the fee schedule) is requested:

1. A Change to the Land Use Element, Land Use Plan Map. The Applicant requests a change to the Land Use Element's Land Use Plan Map to re-designate the subject property from "Office/Residential" to "Business and Office."

B. Description of the Subject Area.

1. The subject property, which is legally described in Exhibit A (the "Property"), consists of approximately  $\pm$  2.19 gross acres of land

located in Section 31, Township 56 South. Range 40 east, in unincorporated Miami-Dade County. More specifically, the subject property is located on the northeast corner of the intersection of SW 112<sup>th</sup> Avenue and SW 184<sup>th</sup> Street.

2. Acreage.

Application area: ± 2.19 gross acres (± 1.98 net acres)

Acreage Owned by Applicant: None

3. Requested Change.

a. It is requested that the subject property be re-designated on the LUP Map from “Office/Residential” to “Business and Office.”

b. It is requested that this application be processed as a Small-Scale amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Property is located on the corner of the intersection of Eureka Drive (SW 184<sup>th</sup> Street), a section line roadway that is designated as a “Major Roadway” on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP), and SW 112<sup>th</sup> Avenue, a half-section line roadway. The Property is designated “Office/Residential” on the LUP Map. The Property is the only land designated Office/Residential within one square mile of Eureka Drive and SW 112<sup>th</sup> Avenue.

Considering that the Property is designated “Office/Residential,” the Property is severely underdeveloped. The “Office/Residential” land use designation generally contemplates small to large-scale office parks and, if applicable, residential uses of a higher density than the surrounding residential area. Currently, however, the Property is used only as a day nursery for children and is zoned to allow for a maximum of 100 children to be cared for in the nursery. Moreover, a sizeable portion of the Property is undeveloped and unutilized.

The Property is nearly surrounded by land designated Business and Office and used for commercial purposes. Immediately to the west of the Property is a gas station. To the south of the Property is land designated, almost exclusively, for Business and Office. Specifically, to the south of the Property is an automotive service station, a gas station and two retail shopping plazas. Re-designation of the Property to Business and Office would therefore further the CDMP’s goal of placing business developments in clusters, near adjacent commercial uses at the intersection of section or half-section roadways.

The CDMP strongly encourages the concentration of commercial facilities along major roadways and in locations where countywide access is convenient. As mentioned above, the Property fronts Eureka Drive, a major arterial road, and is located approximately two blocks from the Florida Turnpike. In addition, the Property is located within one block of a bus stop for Route

137 (the 137 West Dade Connection), which stops near the intersection of Eureka Drive and 112<sup>th</sup> Avenue, passes directly in front of the Property. Thus, re-designation of the Property to Business and Office would promote the CDMP's goal of locating business developments near major roadways.

In addition, the Property is located at the intersection of Eureka Drive and SW 112<sup>th</sup> Avenue. Although SW 112<sup>th</sup> Avenue is not a section line road, because of the location of the Turnpike along the alignment of SW 117<sup>th</sup> Avenue, SW 112<sup>th</sup> functions as a section aerial for most of its trajectory in South Dade. As such, the intersection of these two major roadways creates an 'activity node' in accordance with the CDMP's guidelines for urban form. The guidelines further encourage that commercial uses should be located within such activity nodes.

The Property is also conveniently located near residential communities. Furthermore, because the Property is located near residential communities, it provides a convenient access to employment and furthers the CDMP's goal of reducing traffic impacts by creating employment near housing and reduces the dependence on automobile transportation and encourages foot and bicycle traffic for potential employees and customers who live in the nearby residential communities. As noted in the CDMP, the "proximity of housing and retail uses will allow residents to walk or bike for some daily trips." *See* CDMP, Land Use Element, pg I-46.

The Property is located in Minor Statistical Area (MSA) 5.8. According to the 2010 EAR, commercial land in MSA 5.8 is scheduled to be depleted by 2024. Re-designation of the Property would help enhance the supply of commercial land by promoting infill in a location that already serves as a major Business and Office node. In addition, the Property is well served by water, sewer and other utilities, or may be readily connected to County services at no cost to the County.

In short, the Applicant believes that the re-designation of the Property from Office/Residential to Business and Office on the LUP Map would (1) promote the future development of the Property in a manner that would be entirely compatible with the surrounding area, (2) promote the CDMP's goal of locating business within activity nodes, (3) reduce traffic impacts by reducing the dependence on automobile transportation for potential employees and residents who live in the nearby residential communities, and (4) augment the supply of commercial land in MSA 5.8. The Applicant will submit a Declaration of Restrictions to provide additional guidance for the future development of the Property.

Approval of the requested Amendment would further implementation of the following CDMP objectives and policies:

**LAND USE OBJECTIVE LU-1:** The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warrant, rather than sprawl.

**LAND USE POLICY LU-1B:** Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment

shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY LU-1G: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to related to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways.

LAND USE OBJECTIVE LU-7: Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that promotes the use of rapid transit services.

LAND USE POLICY LU-7I: Miami-Dade County will continue to review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors, and continue to update its land development regulations to remove impediment and promote transit-oriented development.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use map consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan Map accommodates projected countywide growth.

LAND USE POLICY LU-8B: Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to main, update and enhance the Code of Miami-Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhood and communities and well designed buildings

LAND USE POLICY LU-9I: Miami-Dade County shall continue ot update and enhance its land development regulations and area planning program to facilitate development of better



planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

LAND USE POLICY LU-9J: Miami-Dade County shall continue to use the design guidelines established in its urban design manual as additional criteria for use in the review of all applications for new residential, commercial and industrial development in unincorporated Miami-Dade County, and shall consider the inclusion of such guidelines into its land development regulations.

LAND USE POLICY LU-9N: Miami-Dade County shall continue to update its land development regulations on a regular basis in order to address code amendments recommended by CDMP policy, code deficiencies or changing conditions.

LAND USE OBJECTIVE LU-10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multimodal transportation systems.

LAND USE POLICY LU-10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.

5. LOCATION MAP for APPLICATION

Attached.

6. COMPLETED DISCLOSURE FORMS

Attached.

7. ADDITIONAL MATERIAL SUBMITTED

Legal Description (See Exhibit A)

Section Sheet (See Exhibit B)

Aerial (See Exhibit C)

Draft Declaration of Restrictions (Exhibit D)

Resolution No.2-ZAB-80-64 (Exhibit E)

Resolution No.2-ZAB-228-62 (Exhibit F)

Additional items in support of this Application may be submitted at a later date.

Exhibit "A"

Legal Description for Property:

The SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 31, Township 56 South, Range 40 East, less the following parcel of land, more particularly described as follows:

Beging at the South  $\frac{1}{4}$  corner of Said Section 31; thence along the West line of the SE  $\frac{1}{4}$  of the aforementioned Section 31 N 4°07'15" W (Bearings derived from the State Plane Coordinate System, Florida East Zone, N.G.S. 1974 Adjustment) - 83.02 feet to a point; thence N 87°09'57" E - 20.00 feet to a point; thence S 71°30'08" E - 63.24 feet to a point; thence S 87°16' 53" E - 258.66 feet to a point of intersection with the East line of the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of the aforementioned Section 31, thence S 4°05'41" E - 35.01 feet to a point of intersection with the South line of the SE  $\frac{1}{4}$  of Said Section 31; thence along the South line of the SE  $\frac{1}{4}$  of aforementioned Section 31, S 87°10'13" W - 335.26 feet to the POINT OF BEGINNING.

#35739605\_v1



## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

### 1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: Brown Development Group, LLC, a Florida limited liability company, 5901 SW 74 Street, Suite 403, Miami, FL 33183

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A.	Brown Development Group, LLC (Contract Purchaser)	30-5031-000-0240	± 1.9 acres

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2. above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
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A. Brown Development Group, LLC (Contract Purchaser & Applicant)

The Estate of Susan Hamilton-Smith (Owner)

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
-------------------------------	---------------------------

N/A

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:**

NAME, ADDRESS, AND OFFICE ( if applicable)	PERCENTAGE OF STOCK
--	------------------------

N/A

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES**

NAME: N/A

PERCENTAGE OF  
INTEREST

Date of Contract: 5/06/ 2015

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

PERCENTAGE OF  
INTEREST

b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.



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- e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
See Exhibit 1	

Date of Contract: 5/06/2015

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed. The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

, VICTOR BROWN  
MANAGING member  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to and subscribed before me

this 27 day of MAY, 2015

  
Notary Public, State of Florida at Large (SEAL)



My Commission Expires: 11/30/15

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

# EXHIBIT 1

4. e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Name of Applicant: Brown Development Group, LLC

Principal Members: D. Brown Family Investments, LLC<sup>1</sup> 5901 SW 74 Street, Suite 403,  
South Miami, FL 33143 47.5% ownership interest

V. Brown Family Investments, LLC<sup>2</sup> 5901 SW 74 Street, Suite 403,  
South Miami, FL, 33143 47.5% ownership interest

Steven Brown 5901 SW 74 Street, Suite 403,  
South Miami, FL, 33143 5.0% ownership interest

5.e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Name of Owner: The Estate of Susan Hamilton-Smith

Principal Beneficiary: Kevin Lennon, as the Personal Representative of the Estate of Susan Hamilton-Smith, and as the sole devisee of the Property under the applicable Will.

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<sup>1</sup> The ownership interest in D. Brown Family Investments, LLC is held by David Brown, who holds 95% in the LLC and the David Brown Family Trust Agreement, which holds 5% in the LLC. The ownership interest in the David Brown Family Trust Agreement is equitably divided among Jack Brown (33.33%), Jenna Brown (33.33%) and Ava Brown (33.33%).

<sup>2</sup> The ownership interest in V. Brown Family Investments, LLC is held by Victor Brown, who holds 95% in the LLC and the Victor Brown Family Trust Agreement, which holds 5% in the LLC. The ownership interest in the V. Brown Family Trust Agreement is equitably divided among Nicholas Brown (33.33%), Harrison Brown (33.33%), June Brown (33.33%).

## EXHIBIT 'D'

This instrument was prepared by:

Name: Juan J. Mayol, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue, Suite 3300  
Miami, FL 33131

(Space reserved for Clerk)

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### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the Estate of Susan Hamilton-Smith, (the "Owner") holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, which is more particularly described in Exhibit "A" to this Declaration;

*WHEREAS*, Brown Development Group, LLC, a Florida limited liability company (the "Applicant"), is the contract purchaser of the Property and is applying for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the May 2015 Cycle (the "Application"); and

*WHEREAS*, the Application seeks to re-designate the Property from "Office/Residential" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP").

*NOW, THEREFORE*, in order to assure Miami-Dade County (the "County") that the representations made by the Applicant during the consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Permitted Uses; Prohibition on Residential Development.** Notwithstanding the re-designation of the Property to "Business and Office" on the County's LUP map, the maximum development of the Property shall not exceed 30,000 square feet of such uses as may be permitted

under the Business and Office land use designation; provided, however, that no residential development shall be allowed on the Property.

2. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

B. **Term.** This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided

that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, Florida or successor regulation governing amendments to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, Florida, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners of Miami-Dade County, Florida in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive

officer, by his/her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

**E. Authorization of Miami-Dade County (or successor municipality) to Withhold Permits and Inspections.** In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration of Restrictions is complied with.

**F. Election of Remedies.** All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

**G. Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or any successor municipality), and inspections made and approval of occupancy given by the County (or any successor municipality), then such construction, inspection, and approval

shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration of Restrictions.

**H. County Inspection.** As further part of this Declaration of Restrictions, it is hereby understood and agreed that any official inspector of Miami-Dade County, Florida, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**I. Severability.** Invalidity of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

**J. Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner(s) following the approval of the Application by the Board of County Commissioners of Miami-Dade County, Florida. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in



charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

**K. Acceptance of Declaration.** Acceptance of this Declaration of Restrictions does not obligate the County in any manner, nor does it entitle the Owner(s) to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

**L. Owners.** The term "Owners" shall include the Owners and their successors and assigns.

**[Signature Page Follow]**

IN WITNESS WHEREOF, we have executed this Declaration of Restrictions as of this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**WITNESSES:**

**The Estate of Susan Hamilton-Smith**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_ of the Estate of Susan Hamilton-Smith, and for the purposes stated herein on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification.

Witness my signature and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in the County and State aforesaid.

**My Commission Expires:**

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Printed Name

EXHIBIT "A"

LEGAL DESCRIPTION

Folio No. 30-5031-000-0240

The SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 31, Township 56 South, Range 40 East, less the following parcel of land, more particularly described as follows:

Begin at the South  $\frac{1}{4}$  corner of Said Section 31; thence along the West line of the SE  $\frac{1}{4}$  of the aforementioned Section 31 N  $4^{\circ} 07' 15''$  W (Bearings derived from the State Plane Coordinate System, Florida East Zone, N.G.S. 1974 Adjustment) - 83.02 feet to a point; thence N  $87^{\circ} 09' 57''$  E - 20.00 feet to a point; thence S  $71^{\circ} 30' 08''$  E - 63.24 feet to a point; thence S  $87^{\circ} 16' 53''$  E - 258.66 feet to a point of intersection with the East line of the SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of the aforementioned Section 31, thence S  $4^{\circ} 05' 41''$  E - 35.01 feet to a point of intersection with the South line of the SE  $\frac{1}{4}$  of Said Section 31; thence along the South line of the SE  $\frac{1}{4}$  of aforementioned Section 31, S  $87^{\circ} 10' 13''$  W - 335.26 feet to the POINT OF BEGINNING.

# EXHIBIT E

31-35-40  
IV-98  
Item No. 64-20

RESOLUTION NO. 2-ZAB-80-64

The following resolution was offered by Mr. Frank P. Reynolds, Jr.  
seconded by Mr. Harry K. Hurst, and upon poll of members  
present, the vote was as follows:

Paul Brookman	aye	C. O. Paden	aye
Francis A. Calhoun, Jr.	absent	Frank P. Reynolds, Jr.	aye
Joseph Fields	aye	I. Tommy Thomas	aye
Carl Gardner	aye	C. V. W. Trice, Jr.	absent
Joseph H. Gardner	aye	Martin Woolin	absent
Harry K. Hurst	aye	Andrew Lee	aye
John W. Norton	aye		

WHEREAS, Leola Tsakane has applied for an UNUSUAL USE to permit  
a day nursery and kindergarten.

SUBJECT PROPERTY: SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 31, Township 35 South,  
Range 40 East. LOCATION: 11101 SW 184 St. (Eureka Dr.), Dade  
County, Florida, and

Applicant's day nursery was previously approved with a maximum of  
50 children. Applicant now requests a permit for a maximum of  
100 children; and

WHEREAS, an inspection of the subject property was made and a  
public hearing of the Metropolitan Dade County Zoning Appeals Board  
was advertised and held, as required by law, and all interested  
parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to  
the matter, it is the opinion of this Board that the requested  
unusual use, under certain conditions, would be compatible with the  
area and its development and would conform with the requirements  
and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County  
Zoning Appeals Board that the requested unusual use be and the same  
is hereby approved, subject to the following conditions:

1. That a detail plot use plan be submitted to and meet with the  
approval of the Zoning Director; said plan shall include but  
not be limited to, location of structure or structures, offstreet  
parking areas and driveways, walls, hedges and fences, landscap-  
ing, etc.

31-55-40  
IV-93  
Item No. 64-20

2. That the use be made to conform to the requirements and/or recommendations of the State Welfare Department and Dade County Fire Department and Dade County Department of Public Health.
3. That the use be established and maintained in accordance with the approved plan.
4. That the use be approved for and be restricted to a maximum of one-hundred (100) children.
5. That the use be restricted to children in the age group of two (2) to five (5) years.
5. That a four-foot by six-foot (4' x 6') sign be approved in connection with the use; said sign be of a type and at a location to be approved by the Zoning Director.
7. That the permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 19th day of February, 1964.

Heard 2/19/64  
No. 64-2-45  
3/5/64  
hf

March 5, 1964

Leola Taukano  
11101 S. W. 134 Street  
Miami, Florida

Re: Leola Taukano; request for unusual use to permit a day nursery  
& kindergarten; 11101 SW 134 St.; hearing No. 64-2-45.

Enclosed herewith is a copy of Resolution No. 2-7AB-30-64,  
adopted by the Metropolitan Dade County Zoning Appeals Board, approving your  
application concerning the above subject matter.

Please note the conditions under which said approval was granted, inasmuch as  
strict compliance therewith will be required. The required plot use plan should  
be submitted to this office in triplicate for approval before any detailed plans  
are prepared, inasmuch as building permits will not be issued prior to the  
approval of said plan.

You are hereby advised that there is a 14-day appeal period established by the  
Metropolitan Dade County Zoning Procedure Ordinance (61-30) and that no permits  
(or certificate of use and occupancy) can be issued until the appeal period  
expires, and only if no appeal has been filed.

Very truly yours,

METROPOLITAN DADE COUNTY  
BUILDING AND ZONING DEPT.

CCC/ hf  
Enc.

Chester C. Czebrinski  
Assistant Director

cc: State Welfare Dept., Attn. Miss Hazel Adams, District Dir.  
Fire Safety Bureau, Dade Co. Fire Dept., Capt. Walker  
Dade Co. Dept. of Public Health, Dr. Cato

Hearing File (current file - 64-2-45)

Hearing File (previous hearing file - 62-4-51, Chas. H. Gottschalk)  
Mr. Dayton

# EXHIBIT 'F'

31-55-40  
IV-98  
62-153

## Resolution No. 2-ZAB-226-62

The following resolution was offered by Mr. Milton Sirkin, seconded by Mr. Andrew Lee, and upon poll of members present, the vote was as follows:

William Ader	absent	Kenneth Markham	aye
Paul Brockman	aye	Frank P. Reynolds, Jr.	aye
Francis A. Calhoun, Jr.	aye	Harold E. Ross, Jr.	aye
Carl Gardner	aye	Milton Sirkin	aye
Joseph H. Gardner	aye	C.V.W. Trice, Jr.	aye
Harry K. Hurst	aye	I. Tommy Thomas	aye
Andrew Lee	aye		

WHEREAS, Charles H. Gottschalk has applied for an UNUSUAL USE to permit a day nursery ON SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, Township 33 South, Range 40 East. 11101 SW 184 St. (Eureka Dr.), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use, under certain conditions, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use be and the same is hereby approved, subject to the following conditions:

1. That a detail plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall include but not be limited to, location of structure or structures, offstreet parking areas and driveways, walls, hedges and fences, landscaping, et.
2. That the use be made to conform to the requirements and/or recommendations of the State Welfare Department and Dade County Fire Department and Dade County Department of Public Health.
3. That the use be established and maintained in accordance with the approved plan.
4. That the use be approved for and be restricted to a maximum of forty-eight (48) to fifty (50) children.
5. That the use be restricted to children in the age group of two (2) to five (5) years.
6. That a 4' x 6' sign be approved in connection with the use; said sign be of a type and at a location to be approved by the Zoning Director.
7. That the permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

31-55-40  
IV-98  
62-153

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 18th day of April, 1962.

Heard: 4-18-62  
No. 62-4-51  
4-23-62  
bs



Mr. Dayton  
Hearing File  
Hamm State Welfare Dept.  
Dade County Fire Dept.  
Dade County Department of Public Health

April 23, 1960

Charles E. Gottschalk  
31101 S. W. 10th Street  
Miami, Florida

Re: Application for unusual use, 31101 SW 10th St.; Sec. 11-33-10.

Enclosed herewith is a copy of Resolution No. 228-62,  
adopted by the Metropolitan Dade County Zoning Appeals Board, approving  
your application concerning the above subject matter.

Please note the conditions under which said approval was granted, inasmuch  
as strict compliance therewith will be required. The required plot use  
plan should be submitted to this office in triplicate for approval before  
any detailed plans are prepared, inasmuch as building permits will not be  
issued prior to the approval of said plan.

Certificate of Use and Occupancy will be required, and will be issued  
upon completion of construction authorized by this resolution.

Very truly yours,

METROPOLITAN DADE COUNTY  
BUILDING AND ZONING DEPT.

CCC/HR  
Enclosure

Chester C. Czebrinski  
Assistant Director

35-52-41  
II-18  
Item No. 63-532

4. The lot shall not be used for any nighttime parking.
5. That the use of the lot shall be used in connection with the existing beauty salon on Lot 23, Blk. 13, La Paloma Subdivision, and shall be personal to the applicant and non-transferable; that an agreement suitable for recording be submitted to and meet with the approval of the Zoning Director, embodying the conditions of this Resolution.
6. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, Dade County, Florida, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Metropolitan Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 21st day of October, 1963.

Heard: 10-21-63  
No. 63-10-14  
10-25-63  
bcn

# **APPENDIX B**

## **Miami-Dade County Public Schools Analysis**

(No school analysis is required; applicant's proffered Declaration of Restrictions prohibits residential development)

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# **APPENDIX C**

## **Applicant's Traffic Impact Report**

Not Required for Small-scale Amendments

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# **APPENDIX D**

## **Fiscal Impact Analysis**

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## **Fiscal Impacts On Infrastructure and Services**

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application No. 5 of the May 2015 Cycle Applications to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants, federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

### **Solid Waste Services**

#### Concurrency

Since the Public Works and Waste Management Department (PWWM) assesses solid waste disposal capacity on a system-wide basis, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible or necessary to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the PWWM issues a periodic assessment of the County's status in terms of 'concurrency'; that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds this standard as of FY 2014-2015.

#### Residential Collection and Disposal Service

Currently, the household waste collection fee is \$439 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement.

#### Waste Disposal Capacity and Service

The cost of providing disposal capacity for Waste Collection Service Area (WCSA) customers, municipalities and private haulers is paid for by the system users. For FY 2014-2015, the PWWM charges at a contract disposal rate of \$66.34 per ton to PWWM Collections and to those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$87.47 per ton in FY 2014-2015. These rates adjust annually with the Consumer Price Index, South Region. In addition, the PWWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the system. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail customers of the County's Water and Sewer Department.

## **Water and Sewer**

The Miami-Dade County Water and Sewer Department (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer impact fee was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.3766 per 1,000 gallons for water and \$1.7267 per 1,000 gallons for sewer.

The applicant requests a change to the CDMP Land Use Plan map to redesignate a ±2.19-acre application site from "Office/Residential" to "Business and Office", which would allow a maximum of 43,124 square feet of office or 49 multi-family residential units. If the application site is developed as requested with the 34,499 square feet of office and no residential as contained in the applicant's proffered covenant, the water connection charges/impact fees would be \$4,795 and water service line and meter connection fees would cost \$1,300. Sewer connection charges/impact fees for the retail land use would be \$19,319 and the annual operating and maintenance costs would total \$3,908. Alternatively, if the application site is developed with 49 multi-family units, the water connection charges/impact fees would be \$10,217 and water service line and meter connection fees would cost \$1,300. The sewer connection charges/impact fees for the residential land use would be \$41,160 and the annual operating and maintenance costs would total \$8,325.

## **Flood Protection**

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land, and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

### **Public Schools**

The applicant's proffered Declaration of Restrictions prohibits residential development on the application site. Therefore no impacts on Miami-Dade County public schools would result from the development of the application as requested.

### **Fire Rescue**

The Miami-Dade County Fire and Rescue Department indicates that fire and rescue service in the vicinity of the subject application is adequate and that no stations are planned in the vicinity of the application site.

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# **APPENDIX E**

## **Photos of Site and Surroundings**

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Application Site



Shell gas station to the west of the application site.





Shopping Center south of the application site



Religious facility east of the application site